

**STAFF MEETING MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
COUNTY-CITY BUILDING
ROOM 113
THURSDAY, MARCH 29, 2001
8:15 A.M.**

Commissioners Present: Kathy Campbell, Chair
Larry Hudkins
Linda Steinman
Bernie Heier

Commissioners Absent: Bob Workman, Vice Chair

Others Present: Kerry Eagan, Chief Administrative Officer
Dave Johnson, Deputy County Attorney
Bruce Medcalf, County Clerk
Gwen Thorpe, Deputy County Clerk
Ann Taylor, County Clerk's Office

AGENDA ITEM

1 APPROVAL OF STAFF MEETING MINUTES OF THURSDAY, MARCH 22, 2001

MOTION: Hudkins moved and Steinman seconded approval of the Staff Meeting minutes of March 22, 2001. Steinman, Hudkins, Heier and Campbell voted aye. Motion carried.

2 ADDITIONS TO THE AGENDA

- A. Consent for Internal Revenue Service (IRS) to Release Tax Information (Exhibit A)
- B. Microcomputer Request C#2001-111, \$1,856.80 from County Court for Compaq EP Pentium III, Monitor, Etc (Exhibit B)
- C. Rural Transit Budget

MOTION: Heier moved and Steinman seconded approval of the additions to the agenda. Heier, Hudkins, Steinman and Campbell voted aye. Motion carried.

3 LEGISLATIVE UPDATE - Gordon Kissel, Legislative Consultant

Gordon Kissel, Legislative Consultant, gave a legislative update (Exhibit C), noting the following:

- O LB 657 (Creates the City of the Primary Class Development Fund and the City of the Metropolitan Class Development Fund and provides funding) was advanced to Select File. Many of the rural senators have indicated that they will continue to oppose the earmarking of these funds for Antelope Valley Project in Lincoln and the Riverfront Redevelopment Project in Omaha.

Hudkins said this is a switch in commitment of funds, noting this money was originally slated to replace and maintain University of Nebraska and other state owned buildings.

- O LB 366 (changes provisions relating to zoning by county boards and nonfarm buildings) will probably be scheduled on the legislative agenda in the next couple of weeks.
- O An effort will be made to attach LB 616 (authorizes road maintenance agreements between counties, cities and villages) to a committee priority bill or senator priority bill.
- O Health Committee advanced LB 640 (renames grants and provides for a county aid program under the Juvenile Services Act).
- O Senator Coordsen believes he has secured enough votes in the Revenue Committee to advance LB 600 (changes agricultural and horticultural land valuation provisions).

Hudkins said Senator Coordsen has indicated that the bill may be joined with LB 422 (changes the calculation of state aid value).

- O Senators Landis, Beutler and Raikes met with Senators Bromm and Kristensen to try to work out language on LB 827 (provides for the sale or lease of dark fiber by governmental entities) that is more amenable in terms of margin between market value and actual costs for public utilities.

Campbell said she recently discussed LB 142 (authorizes creation of municipal counties) with Senator Kristensen and told him the Board has a number of concerns regarding the bill. She said she believes the bill should be held over to address issues of concern, including taxation and the impact to small communities.

Hudkins said there needs to be a mechanism to allow small communities a way out of the merger if it doesn't work.

- 4 PROPOSED FEDERAL APPROPRIATION REGARDING WATER QUALITY STUDY AND STORMWATER RUNOFF** - Steve Masters and Nicole Fleck-Tooze, City Public Works/Utilities; Glenn Johnson, Lower Platte South Natural Resources District General Manager; Mark Bauer, Superintendent of Wastewater Collection

Item dropped from the agenda.

- 5 WORKERS' COMPENSATION AND GENERAL LIABILITY INSURANCE BUDGET ALLOCATIONS** - Sue Eckley, Workers' Compensation & Risk Management Manager; Dave Kroeker, Budget and Fiscal Officer

Sue Eckley, Workers' Compensation & Risk Management Manager, reviewed *Comparison of Departmental Allocation FY 2001 and FY 2002 and Lancaster County (Excluding LanCo, Lancaster Manor and LOMR), Presentation of Net Retained Losses, Workers' Compensation* (Exhibit E). She explained that the following have contributed to Workers' Compensation costs:

- Legal involvement
- Rising medical costs
- Increase in the maximum weekly rate
- Aging workforce

Dave Kroeker, Budget and Fiscal Officer, said he does not believe the Workers' Compensation balances are out of line. He added that pending legal action was not included in the General Liability figures and said once these costs are known there may be a need for some adjustment.

Hudkins said he would like to see the net retained losses for Lancaster Manor for comparison.

Eckley said those figures have "stayed pretty flat" and attributed this to pre-screening and training efforts.

Campbell asked Eckley and Kroeker to share the report with Gary Lacey, County Attorney, and to bring back any concerns.

Eckley noted that Lacey has recommended that the County purchase excess liability insurance for the Community Mental Health Center.

The Board concurred with that recommendation.

6 CABS AND ROLLOVER PROTECTION ON COUNTY ENGINEERING'S TRACTORS - Don Thomas, County Engineer; Sue Eckley, Workers' Compensation & Risk Management Manager

Don Thomas, County Engineer, said his department currently has five pieces of equipment that do not have rollover protection (four bulldozers and one tractor with a broom attachment). He said that the cost to retrofit the bulldozers will be approximately \$6,500 each and indicated that he will proceed with the retrofitting. Thomas said he does not believe the tractor is required to have this protection.

Hudkins asked whether it will be necessary to augment the County Engineering budget for the expense.

Thomas said he would prefer to wait until budget time, noting the new census figures will increase the County's State Highway Allocation by approximately \$150,000 to \$200,000, per year.

Thomas said his department currently has two types of mowers (four highway rotary mowers and eight belly-mount, rotary mowers that are used on gravel roads). He said the belly-mount, rotary mowers are the side-mount type. Thomas said he would like to convert to a different type of mower and is investigating those used by Buffalo County. He suggested that replacement of the mowers be initiated next year and said four of the eight belly-mount, rotary mowers will be eliminated. Thomas said the new mowers will be fitted with cabs and air conditioning and will need to be retrofit with some type of hail screen because the glass that is used is tempered, not laminated.

ADDITIONS TO THE AGENDA

D. Report from Kit Boesch, Human Services Administrator, on Office of Community Justice Grant

MOTION: Hudkins moved and Steinman seconded to add the item to the agenda. Hudkins, Heier, Steinman and Campbell voted aye. Motion carried.

D. Report from Kit Boesch, Human Services Administrator, on Office of Community Justice Grant

Kit Boesch, Human Services Administrator, appeared and distributed the following materials (Exhibit F):

- Lancaster County Day Reporting Center, Executive Summary*
- Program Outline for the Proposed Lancaster County Day Reporting Center*
- Lincoln-Lancaster County Day Reporting Center, 2001-2002 Operating Budget*
- County funding Proposal for the Adult Day Reporting Center*

Boesch said the County received an Office of Community Justice grant last year to open an adult day reporting center for women. A second year of funding is being sought and expansion of the program to include men is proposed. She estimated that the County could save \$180,000 annually if 75 of the men placed in Corrections for probation violations were diverted to the program. Boesch said the County contribution will be \$131,216 (\$32,500 in-kind resources, \$98,715 cash) and said \$127,577 in grant funds will be sought in addition to \$75,000 from the offenders themselves.

Campbell suggested that the Keno Fund be used to fund County's cash portion.

The Board authorized Boesch to proceed with writing the grant application and scheduled action on the final draft on the April 3rd County Board of Commissioners Meeting agenda.

7 LABOR NEGOTIATIONS - Georgia Glass, Personnel Director

MOTION: Heier moved and Hudkins seconded to enter Executive Session at 10:37 a.m. for discussion of labor negotiations. Heier, Hudkins, Steinman and Campbell voted aye. Motion carried.

MOTION: Heier moved and Steinman seconded to exit Executive Session at 11:04 a.m. Heier, Steinman, Hudkins and Campbell voted aye. Motion carried.

8 CONSULTANT CONTRACT FOR COUNTY CLERK'S RECORDS MANAGEMENT CONTRACT - Gwen Thorpe, Deputy County Clerk; Dave Johnson, Deputy County Attorney; Sue Eckley, Workers' Compensation & Risk Management Manager; Kathy Smith, Assistant Purchasing Agent; Brian Pillard, Records & Information Manager

Dave Johnson, Deputy County Attorney, reviewed the *Agreement for Consultant Services* with Gable Consulting (Exhibit G), noting the following issues still need to be resolved:

Section 5, Contract Sum

Gwen Thorpe, Deputy County Clerk said Gable will not agree to provide a performance bond or to allow for retainage (hold back a percentage of the contract sum) until receipt of the deliverables, which consist of the Request for Proposals (RFP), a written evaluation of the RFP responses and specific questions for the vendors.

Johnson said it will be "bill as you go".

Kathy Smith, Assistant Purchasing Agent, said retainage or performance bond is not typically required on professional services contracts.

Thorpe said this is probably a “deal breaker” issue for Gable. She added that she is only aware of one other consultant that is able to provide this level of expertise and is independent of a vendor.

Campbell suggested that the County withhold the final payment until receipt of the deliverables.

Johnson said Gable’s final billing may only cover a few hours of work so withholding that final payment may be ineffective.

Smith suggested assigning a fee to each task and deliverable.

Johnson said Gable may view that as retainage.

Section 11, Indemnification

Johnson noted concern with the following language:

Beyond providing specifications, along with advice and guidance on current offerings and an opinion regarding vendor suitability, Consultant assumes no responsibility for Lancaster County’s decision to purchase a document management system.

Hudkins said he is also concerned with this language and wants assurance that the Consultant will be available for further consultation if there are problems with the system or to testify on behalf of the County if the matter is taken to court.

Steinman said “How can you hold the Consultant responsible for another company?”

Smith agreed that there are too many things that the Consultant would have no control over.

The Board asked Smith to try to draft language that would address the County’s concerns regarding litigation and further consultation.

Section 12, Insurance

Johnson said Gable has proposed that insurance coverage be part claims basis and part occurrence basis. He said Sue Eckley, Workers’ Compensation & Risk Management Manager, has indicated that this is acceptable.

Section 18, Termination

Thorpe said the County Attorney’s Office has advised that the following statement be stricken from Subsection C:

In no event shall the Consultant be liable for more than the total contract sum.

Johnson said Gable wants to cap her liability at \$30,000, the contract sum, and expressed concern that if Gable decides to terminate the contract before completion, the County may have to hire someone at a higher rate to come in and complete the project.

Hudkins said he concurs with the County Attorney's Office, particularly if no retainage is in place. He also noted concern that something unforeseen could happen to Gable and it could become more costly to complete the project.

Steinman said it would not be fair to make Gable liable for more than the contract sum in such a case.

Johnson said he is more concerned that Gable could accept a more lucrative contract and be willing to accept the \$30,000 loss.

Campbell said Subsection C is trying to address two different issues and suggested that it be split into two subsections. She proposed that Gable's liability be limited to \$30,000 if termination is due to causes beyond her control and not if the termination is due to willful action on Gable's part.

Johnson suggested that Thorpe would be the best one to suggest these changes to Gable.

Campbell exited the meeting at 11:44 a.m. In the absence of the Vice Chair, Hudkins assumed direction of the meeting.

Brian Pillard, Records & Information Manager, recommended that the County weigh the contract's risks against the alternatives.

Hudkins said it appears from the conversation that the Board is willing to assume some risk.

Johnson said both sides have made concessions and said if any further changes are proposed to Gable it is quite possible that "we might lose her".

Hudkins and Heier indicated that they will not go against the County Attorney's advice.

Hudkins asked the County Attorney's Office to try to "come up with the least restrictive language that they can live with" in consultation with the Purchasing Department for presentation to Gable. He also asked Thorpe to relay to Gable that the County Board wants to retain her services and ask her "to at least hear us out".

Board consensus to offer to pay the extra cost associated with obtaining a performance bond.

9 DEPUTY CHIEF ADMINISTRATIVE OFFICER - Georgia Glass,
Personnel Director

The Board members and Georgia Glass, Personnel Director, offered the names of their top candidates for the position of Deputy Chief Administrative Officer.

Board consensus to interview the following candidates for the position:

1. Christopher Anderson
2. Cori Beattie
3. Richard Kohel
4. Patricia Lynaugh
5. Gwen Thorpe

Interviews will be held on Tuesday, April 17, 2001 in Conference Room 113. Eagan and Glass will develop interview questions.

ADDITIONS TO THE AGENDA

- A. Consent for Internal Revenue Service (IRS) to Release Tax Information (Exhibit A)

MOTION: Steinman moved and Heier seconded approval. Steinman, Heier, Hudkins and Campbell voted aye. Motion carried.

- B. Microcomputer Request C#2001-111, \$1,856.80 from County Court for Compaq EP Pentium III, Monitor, Etc (Exhibit B)

Eagan recommended that funding be through the Microcomputer Fund.

MOTION: Steinman moved and Heier seconded approval. Steinman, Heier, Hudkins and Campbell voted aye. Motion carried.

- C. Rural Transit Budget

The Board scheduled the presentation on the agenda for the April 3rd County Board of Commissioners Meeting.

10 ACTION ITEMS

- A. Microcomputer Request C#2001-108, \$1,533.19 from the District Court Clerk's Budget for a Laptop Computer

MOTION: Hudkins moved and Heier seconded approval. Hudkins, Heier, Steinman and Campbell voted aye. Motion carried.

Hudkins asked Eagan to follow-up on the District Court Clerk's request for a laser printer.

- B. Contract with Garner Industries for Grading and Paving of North 98th Street, South of Highway 6 (County Will Pay \$73,000 for the Project)

Johnson explained that \$15,000 is for the grading and paving and \$58,000 is for the water main costs.

MOTION: Heier moved and Steinman seconded approval of the contract with Garner Industries. Heier, Steinman, Hudkins and Campbell voted aye. Motion carried.

- C. Tentative Approval of Hiring a District Court Probation Officer for Adult Drug Court

Diane Staab, Deputy County Attorney, explained that the District Court Probation Officer will be a state employee and that the salary and benefits will be funded through a grant the County received from the Nebraska Crime Commission. She said there has not been a determination yet as to whether this will be an entry level position.

MOTION: Hudkins moved and Steinman seconded tentative approval of the District Court Probation Officer for Adult Drug Court. Hudkins, Steinman, Heier and Campbell voted aye. Motion carried.

11 CONSENT ITEM

- A. Vacation Request from Larry Van Hunnik, Lancaster Manor Administrator, for Friday, April 13, 2001

MOTION: Heier moved and Hudkins seconded approval. Heier, Hudkins, Steinman and Campbell voted aye. Motion carried.

12 ADMINISTRATIVE OFFICER REPORT

A. College Savings Plan of Nebraska

Eagan said an employee has suggested that The College Savings Plan (Exhibit D) be offered as a payroll deduction. He said at least 12 employees must indicate that they want to participate before the payroll deduction may be offered.

The Board referred the request to the Personnel Department.

B. Entertainment Market Study

Eagan reported on the recommendations from KPMG (see agenda packet). He noted that a 10,000 seat arena was recommended because a 15,000 seat arena would have to compete with the new Omaha Convention Center and other regional facilities for large acts. The consultant also indicated that Lincoln must upgrade its facility or risk losing events.

Hudkins said agricultural business leaders have questioned whether going from the 9,000 seats in Pershing Auditorium to a 10,000 seat facility is a sufficient gain. He said limited parking in the downtown area is also a concern.

Eagan said Pershing Auditorium would need major renovation and the one block area it occupies would not provide sufficient floor space for a 10,000 seat arena.

Steinman suggested that the Antelope Valley project may provide a bigger "footprint".

Heier asked why the Devaney Center is not utilized to a greater extent. He also suggested that the City give consideration to the Lancaster County Agricultural Society's Event Center at 84th and Havelock Avenue.

Eagan said hotel space in close proximity is essential.

Campbell said the City has made a concerted effort to make the downtown area an entertainment center and said the State Fair Park will probably be looked at, as it has available parking.

C. Request for Transfer of Pickup Truck from County Assessor to Lancaster Manor

Eagan reported that Emergency Management has also expressed interest in the vehicle.

The Board suggested that Larry Van Hunnik, Lancaster Manor Administrator, and Doug Ahlberg, Emergency Management Director, discuss whether it would be possible to share the vehicle.

13 DISCUSSION OF BOARD MEMBER MEETINGS

A. Joint Public Agency - Heier, Workman

Heier said expenditures were paid and the remaining balance is \$1 million.

B. Families First & Foremost (F³) Conveners - Heier, Steinman

Steinman and Heier reported the following:

- O Dr. Michael Epstein, evaluator of the Families First & Foremost (F³) Grant Program from the University of Nebraska, gave a quarterly report
- O Gus Hitz, Assessment Center Director, and Mark Martin, consultant for the Assessment Center, presented *Lancaster County Juvenile Assessment Center Proposed Mission and Goals*.
- O Budget deficit of \$300,000

C. Community Mental Health Center Advisory Committee - Steinman

No report was given.

14 EMERGENCY ITEMS AND OTHER BUSINESS

The County Board will hold a Staff Meeting at 9:30 a.m. on Tuesday, April 3, 2001 in Conference Room 113.

15 ADJOURNMENT

MOTION: Heier moved and Steinman seconded to adjourn the meeting. Heier, Steinman and Hudkins voted aye. Motion carried.

Bruce Medcalf
Lancaster County Clerk